

REMARKS

Claims 1-14 are pending in this application. Claims 1, 2, 4-6, and 12-14 stand rejected and claims 3 and 7-11 are objected to. Applicant wishes to thank the Examiner for the indication of allowable subject matter in claims 3 and 7-11. By this Amendment, claims 1, 5, and 12-14 have been amended. The amendments made to the claims do not alter the scope of these claims, nor have these amendments been made to define over the prior art. Rather, the amendments to the claims have been made for cosmetic reasons to improve the form thereof. In light of the amendments and remarks set forth below, Applicant respectfully submits that each of the pending claims is in immediate condition for allowance.

Applicant filed an IDS on November 5, 2003. To date, this IDS has not been acknowledged by the Examiner. For the Examiner's convenience, Applicant submits herewith a copy of the PTO-SB-08 submitted on November 5 and respectfully requests that the Examiner acknowledge the references cited thereon.

Claims 1, 5 and 12-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,097,712 ("Secord") in view of U.S. Patent No. 6,317,412 ("Natali"). Applicant respectfully traverses this rejection.

Among the limitations of independent claims 1, 5, and 12 not present in the cited reference is a control data generator for generating control data from a frequency difference between a frequency band and the predetermined frequency band including a phase data generator for generating phase data from the frequency difference. This limitation is not disclosed in either of the cited references.

The Office Action asserts the Secord reference is used to disclose that the control data is generated from the frequency difference. However, Secord fails to disclose a phase data generator for generating phase data from the frequency differences explicitly recited in Applicant's claim. As such, Secord fails to disclose Applicant's explicitly recited claim limitations. Natali was not included to overcome the above-recited deficiency but to disclose other claim limitations. Whether or not Natali discloses those limitations is irrelevant as it fails to cure the above-recited limitation. As such, Applicant respectfully asserts that claims 1, 5, and 12 are allowable over the cited references.

Claims 2-4 depend either directly or indirectly from, and contain all the limitations of claim 1. These dependent claims also recite additional limitations which, in combination with the limitations of claim 1, are neither disclosed nor suggested by Natali and are also believed to be directed towards the patentable subject matter. Thus, claims 2-4 should also be allowed.

Claims 6-11 depend either directly or indirectly from, and contain all the limitations of claim 5. These dependent claims also recite additional limitations which, in combination with the limitations of claim 5, are neither disclosed nor suggested by Natali and are also believed to be directed towards the patentable subject matter. Thus, claims 6-11 should also be allowed.

Among the limitations of independent claims 13 and 14 not present in the cited reference is generating control data and phase data from a frequency difference between the frequency band and the predetermined frequency band. As discussed above, Secord fails to disclose generating the above-recited phase data from the

frequency difference. As such, Applicant respectfully requests reconsideration and withdrawal of this rejection.

Applicant has responded to all of the rejections and objections recited in the Office Action. Reconsideration and a Notice of Allowance for all of the pending claims are therefore respectfully requested.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue.

If the Examiner believes an interview would be of assistance, the Examiner is welcome to contact the undersigned at the number listed below.

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Respectfully submitted,

By _____
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